

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
Case No. 2:16-MD-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFE

Direct Purchaser Class Plaintiffs' Actions

**DIRECT PURCHASER CLASS PLAINTIFFS' UNOPPOSED MOTION TO FILE
UNDER SEAL EXHIBITS A AND F TO THEIR MOTION FOR AN ORDER:
(1) CERTIFYING A SETTLEMENT CLASS;
(2) GRANTING PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENTS;
(3) APPOINTING SETTLEMENT CLASS COUNSEL;
(4) APPOINTING A CLAIMS ADMINISTRATOR AND ESCROW AGENT;
(5) APPROVING THE FORM AND MANNER OF NOTICE TO THE
SETTLEMENT CLASS;
(6) PRELIMINARILY APPROVING THE PLAN OF ALLOCATION; AND
(7) SCHEDULING A FAIRNESS HEARING**

Pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure, and Local Rules 5.1.2(7) and 5.1.5, Direct Purchaser Class Plaintiffs César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Co-Operative, Inc., and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc., by and through their undersigned counsel, respectfully move this Court for an Order granting leave to file under seal Exhibits A and F to their Motion for an Order: (1) Certifying a Settlement Class; (2) Granting Preliminary Approval of Settlement Agreements; (3) Appointing Settlement Class Counsel; (4) Appointing a Claims Administrator and Escrow Agent; (5) Approving the Form and Manner of Notice to the Settlement Class; (6) Preliminarily Approving the Plan of Allocation; and (7) Scheduling a Fairness Hearing ("Preliminary Approval Motion"). Settling Defendants Sun Pharmaceutical Industries, Inc. and its affiliates (Caraco Pharmaceutical

Laboratories, Ltd., Mutual Pharmaceutical Company, Inc., and URL Pharma, Inc.) and Taro Pharmaceuticals U.S.A., Inc. consent to the relief sought in this motion.

Exhibit A of the Preliminary Approval Motion (Declaration of Dianne M. Nast) contains the Settlement Agreements with each Settling Defendant. Exhibit D to the Settlement Agreements contains the Net Sales of Settling Defendants. The Settling Defendants have designated that information as Protected Material pursuant to the Protective Order. *See* Pretrial Order No. 195 ¶ 5. Pursuant to Paragraph 9.2 of Pretrial Order No. 7, DPPs have redacted such Protected Material and are required to file Plaintiffs' Exhibit A under Seal.

Exhibit F of the Preliminary Approval Motion (Declaration of Jeffrey J. Leitzinger, Ph.D. Regarding Certification of the Sun-Taro Settlement Class) contains confidential data and references to data that have been designated as Protected Material pursuant to the Protective Order, and confidential IMS/IQVIA data. *See* Pretrial Order No. 195 ¶ 5. Pursuant to Paragraph 9.2 of Pretrial Order No. 7, DPPs have redacted such Protected Material and are required to file Plaintiffs' Exhibit F under seal.

Pursuant to the Court's March 25, 2020 Standing Order (In re Temporary Close of the James A. Byrne U.S. Courthouse in Philadelphia), and the March 25, 2020 Notice to Filers of Hard Copy Documents to Resubmit Electronically posted on the Court's website, Plaintiffs have submitted unredacted PDF versions of Plaintiffs' Exhibits A and F to the Clerk's office.

Contemporaneously with this Motion, Plaintiffs have filed via ECF a redacted public version of Plaintiffs' Exhibits A and F.

A proposed Order is attached hereto.

March 16, 2022

Respectfully submitted,

/s/ Dianne M. Nast

Dianne M. Nast

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Direct Purchaser Plaintiffs' Steering Committee